

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 2:07-CR-280-MHT
)	
TIMOTHY GRANT JONES)	

ORDER ON MOTION

On 3 September 2008, the United States filed a Motion for Mental Competency Examination (Doc. #36). Defendant has no objection to the motion.

In the motion, the government asserts Defendant has been examined by a clinical psychologist, and that a neuropsychological evaluation report authored by Dr. Stephen Bailey indicates that “Defendant suffers from dementia and . . . was not fully capable of appreciating the full weight of his decisions.” (Doc. #36 at 1-2). The government also asserts that an addendum to Dr. Bailey’s report indicates Defendant “was not fully competent at the time of his crimes . . . [and] ‘probably’ will not be able to assist defense counsel in his defense.” (Doc. #36 at 2). Based on the unopposed representations of the government, it appears to the Court there is reasonable cause to believe TIMOTHY GRANT JONES, at the time of the commission of the offense charged, may have been mentally incompetent and/or may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Accordingly, it is

ORDERED that the Motion (Doc. #36) is GRANTED. The United States Marshal

for this district immediately remove Defendant to the custody of the warden of an appropriate institution as may be designated by the Attorney General where Defendant is to be committed for the purpose of being observed and examined for a period not to exceed 45 days by one or more qualified psychiatrists or psychologists at the institution, pursuant to the provisions of 18 U.S.C. §§ 4241, 4242 and 4247(b), (c). It is further

ORDERED that pursuant to 18 U.S.C. § 4247(c) the examining psychiatrist or psychologist conducting the mental examination of the defendant report in writing to this Court within 45 days from the date of Defendant's arrival at the institution as to their findings, opinions and conclusions relative to the competency or incompetency of Defendant and specifically report to and advise this court whether or not in their opinion Defendant may be presently insane or otherwise so mentally incompetent as to be unable to understand the proceedings against him or properly assist in his own defense and further specifically report their findings, opinions and conclusions as to whether the defendant, at the time of the commission of the offense with which he is charged, was insane or mentally incompetent. It is further

ORDERED Defendant shall be incarcerated and remain at the institution designated by the Attorney General until further order of the Court. The clerk of this Court is hereby DIRECTED to furnish the United States Marshal for this district three certified copies of this order.

DONE this 4th day of September, 2008.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE